

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

*

v.

* **Criminal No: JRR-23-0146**

GARRICK POWELL

*

* * * * *

MOTION FOR REVIEW OF PRETRIAL DETENTION ORDER

Garrick Powell, through counsel, Paul D. Hazlehurst, Esquire, hereby moves this Honorable Court, pursuant to Title 18, Section 3145(b) to conduct a de novo review of the order of detention in this case, revoke that order and release Mr. Powell under appropriate conditions. In support of this motion, the defendant submits the following facts and law:

1. Mr. Powell is currently charged in the above-named case with possession of ammunition by a prohibited person in violation of 18 U.S.C. §922(g) and unlawful possession of a machine gun in violation of 18 U.S.C. § 922(o), 26 U.S.C. § 5845(b) and 18 U.S.C. § 924(a)(2).

2. Mr. Powell initially appeared before the Honorable J. Mark Coulson, United States Magistrate Judge for the District of Maryland, on these charges on May 3, 2023 and consented to detention at that time.

3. On June 28, 2023, Mr. Powell requested a detention hearing.

4. On July 26, 2023, a detention hearing was held before the Honorable Matthew J. Maddox, United States Magistrate Judge for the District of Maryland, at which time Mr. Powell was detained.

5. “When the district court, pursuant to 18 U.S.C. § 3145(b), acts on a motion to

revoke or amend a magistrate's pretrial detention order, the court acts de novo and makes an independent determination of the proper pretrial detention or conditions of release." *United States v. Fortna*, 769 F.2d 243, 250 (5th Cir. 1985). *See also United States v. Maull*, 773 F.2d 1479, 1484-1485 (8th Cir. 1985), *United States v. Hurtado*, 779 F.2d 1467, 1480 (11th Cir. 1985), *United States v. Leon*, 766 F.2d 77, 80 (2nd Cir. 1985).

WHEREFORE the defendant, through counsel, prays this Court conduct a de novo review of the order of detention in this case, revoke the order and release Mr. Powell on appropriate conditions.

/s/

Paul D. Hazlehurst, Esq.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of July, 2023, that a copy of the foregoing Motion was delivered via ECM/CF to all counsel of record.

/s/
Paul D. Hazlehurst, Esq.